

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TOMMIE SLACK,

Plaintiff,

v.

S. KARIKO, et al.,

Defendant.

Case No. 3:20-cv-05508-RSM-MAT

ORDER ON STIPULATED MOTION
TO SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING
INITIAL DISCLOSURES, JOINT
STATUS REPORT, AND EARLY
SETTLEMENT

Plaintiff, a state prisoner, commenced this 42 U.S.C. § 1983 civil rights action pro se and in forma pauperis. The Court directed service of the complaint and defendants filed an answer. On December 21, 2020, the Court issued a pretrial scheduling order setting a deadline of April 21, 2021, for completion of discovery and a deadline of May 21, 2021, for filing dispositive motions. Dkt. 37. On April 2, 2021, counsel entered a notice of appearance on behalf of plaintiff. Dkt. 45. On April 9, 2021, plaintiff's counsel submitted a stipulated motion to set trial date and reset case scheduling deadline. Dkt. 46. In that motion plaintiff's counsel requests a trial date of May 2, 2022, be set and that other pretrial deadlines be extended and adjusted in accordance with the requested trial date.

ORDER ON STIPULATED MOTION TO
SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY SETTLEMENT -

1 The Court denies the parties' request to set a specific trial date of May 2, 2022, (Dkt. 46)
 2 as premature, as it is not the Court's practice to set a trial date at this stage of the proceedings.
 3 However, because both parties are now represented, the Court grants the parties' request (Dkt.
 4 46) to reset the pretrial deadlines and will do so upon submission of a Joint Status Report and
 5 Discovery Plan as described below.

6 I. INITIAL SCHEDULING DATES

7 The Court sets the following dates for initial disclosure and submission of the Joint Status
 8 Report and Discovery Plan:

9 Deadline for FRCP 26(f) Conference: 06/16/2021

10 Initial Disclosures Pursuant to FRCP 26(a)(1): 06/23/2021

11 Combined Joint Status Report and Discovery
 12 Plan as Required by FRCP 26(f)
 and Local Civil Rule 26(f): 06/30/2021

13 The deadlines above may be extended only by the Court. Any request for an
 14 extension should be made by e-mail to Kadya Peter, Courtroom Deputy, at
 15 kadya_peter@wawd.uscourts.gov. If Defendants have appeared, the parties are directed to meet
 16 and to confer before contacting the Court to request an extension.

17 If this case involves claims which are exempt from the requirements of FRCP 26(a) and
 18 26(f), please notify Kadya Peter, Courtroom Deputy, at kadya_peter@wawd.uscourts.gov.

19 II. JOINT STATUS REPORT & DISCOVERY PLAN

20 All counsel and any pro se parties are directed to confer and provide the Court with a
 21 combined Joint Status Report and Discovery Plan (the "Report") by June 30, 2021. This
 22 conference shall be by direct and personal communication, whether that be a face-to-face

23 ORDER ON STIPULATED MOTION TO
 SET TRIAL DATE AND CASE
 SCHEDULE, AND REGARDING INITIAL
 DISCLOSURES, JOINT STATUS
 REPORT, AND EARLY SETTLEMENT -

meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt completion of the case. It must contain the following information by corresponding paragraph numbers:

1. A statement of the nature and complexity of the case.
2. A proposed deadline for the joining of additional parties.
3. The parties have the right to consent to assignment of this case to a full time United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13, to conduct all proceedings. The Western District of Washington assigns a wide range of cases to Magistrate Judges. The Magistrate Judges of this district thus have significant experience in all types of civil matters filed in our court. Additional information about our district's Magistrate Judges can be found at www.wawd.uscourts.gov. The parties should indicate whether they agree that the Honorable Mary Alice Theiler may conduct all proceedings, including trial and the entry of judgment. When responding to this question, the parties should only respond "yes" or "no." Individual party responses should not be provided. A "yes" response should be indicated only if all parties consent. Otherwise, a "no" response should be provided.

4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.), the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which includes the following topics:

- (A) initial disclosures;
- (B) subjects, timing, and potential phasing of discovery;
- (C) electronically stored information;
- (D) privilege issues;

ORDER ON STIPULATED MOTION TO
SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY SETTLEMENT -

(E) proposed limitations on discovery; and

(F) the need for any discovery related orders.

5. The parties' views, proposals, and agreements, by corresponding paragraph letters (A, B, etc.), on all items set forth in Local Civil Rule 26(f)(1), which includes the following topics:

(A) prompt case resolution;

(B) alternative dispute resolution;

(C) related cases;

(D) discovery management;

(E) anticipated discovery sought;

(F) phasing motions;

(G) preservation of discoverable information;

(H) privilege issues;

(I) Model Protocol for Discovery of ESI; and;

(J) alternatives to Model Protocol.

6. The date by which discovery can be completed.

7. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way.

8. Whether the pretrial statements and pretrial order called for by Local Civil Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the sake of economy.

ORDER ON STIPULATED MOTION TO
SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY SETTLEMENT -

9. Whether the parties intend to utilize the Individualized Trial Program set forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

10. Any other suggestions for shortening or simplifying the case.

11. The date the case will be ready for trial. The Court expects that most civil cases will be ready for trial within a year after filing the Joint Status Report and Discovery Plan.

12. Whether the trial will be jury or non-jury.

13. The number of trial days required.

14. The names, addresses, and telephone numbers of all trial counsel.

15. The dates on which the trial counsel may have complications to be considered in setting a trial date.

16. If, on the due date of the Report, all defendant(s) or respondents(s) have not been served, counsel for the plaintiff shall advise the Court when service will be effected, why it was not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

17. Whether any party wishes a scheduling conference before the Court enters a scheduling order in the case.

18. List the date(s) that each and every non-governmental corporate party filed its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

If the parties are unable to agree on any part of the Report, they may answer in separate paragraphs. No separate reports are to be filed. If the parties wish to have a status conference with the Court at any time during the pendency of this action, they should notify Kadya Peter, by e-mail at kadya_peter@wawd.uscourts.gov.

ORDER ON STIPULATED MOTION TO
SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY SETTLEMENT -

III. PLAINTIFF'S RESPONSIBILITY

This Order is issued at the outset of the case, and a copy is sent by the clerk to counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared. Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all parties who appear after this Order is filed. Such service shall be accomplished within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se) will be responsible for starting the communications needed to comply with this Order.

IV. JUDGE-SPECIFIC PROCEDURAL INFORMATION

All counsel and unrepresented parties should review Judge Theiler's web page for procedural information applicable to cases before Judge Theiler. The judges' web pages, in addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases, court forms, instruction sheets, and General Orders, can be found on the Court's website at www.wawd.uscourts.gov.

ORDER ON STIPULATED MOTION TO
SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY SETTLEMENT -

V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

If settlement is achieved, counsel shall immediately notify Kadya Peter, Courtroom Deputy, at kadya_peter@wawd.uscourts.gov.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

The Clerk is directed to send copies of this order to the parties and to the Honorable Ricardo S. Martinez.

Dated this 14th day of April, 2021.



Mary Alice Theiler
United States Magistrate Judge

ORDER ON STIPULATED MOTION TO
SET TRIAL DATE AND CASE
SCHEDULE, AND REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY SETTLEMENT -